

**In the Supreme Court of the United States**

**OCTOBER TERM, 1966**

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**No. 206**

**HOUSTON INSULATION CONTRACTORS ASSOCIATION,  
PETITIONER**

**v.**

**NATIONAL LABOR RELATIONS BOARD**

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**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
FIFTH CIRCUIT**

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**MEMORANDUM FOR THE NATIONAL LABOR  
RELATIONS BOARD**

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The principal question presented by the petition is whether a clause in a collective bargaining agreement that prohibits the employer from subcontracting certain work violates Section 8(e) of the National Labor Relations Act (the "hot cargo" provision). A subsidiary question is whether a work stoppage to enforce that clause, instituted by the union (Local

22 of the International Association of Heat and Frost Insulators and Asbestos Workers, AFL-CIO) that signed the agreement, violates Section 8(b)(4)(B) (the secondary boycott provision). The Board found that the clause was outside the prohibition of Section 8(e) because its purpose was merely to protect the work of the bargaining unit covered by the contract, and that the work stoppage by the union to enforce the clause did not violate Section 8(b)(4)(B). 148 N.L.R.B. 866. The court of appeals sustained the Board's findings in this regard (Pet. 9a-19a).

Although we believe that the court of appeals was correct in upholding the foregoing Board findings, the questions presented are the same as those involved in *National Woodwork Manufacturers Association v. National Labor Relations Board*, and *National Labor Relations Board v. National Woodwork Manufacturers Association*, Nos. 110 and 111, this Term, certiorari granted, June 6, 1966. In addition, the Board is petitioning for a writ of certiorari to review the decision below insofar as it rejects the Board's further finding that a work stoppage by Local 113 (which was not a party to the collective bargaining agreement) to help Local 22 enforce its lawful work preservation clause was also

lawful (Pet. 19a-21a). Accordingly, we do not oppose the granting of the present petition.

Respectfully submitted.

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AUGUST 1966